

**Town of Sunset Beach  
Special Meeting Minutes  
November 19, 2013  
1:30 pm**

**Members Present:** Mayor Richard Cerrato, Mayor Pro-Tem Lou DeVita, Councilman Wilson Sherrill, Councilwoman Karen Joseph, Councilman Mike Williams, and Councilwoman Carol Scott.

**Members absent:** None

**Attorney & Staff Present:** Gary Parker, Town Attorney; Attorney Mike Isenberg; Sandy Wood, Building Inspections Department Director and Lisa Anglin, Town Clerk.

Mayor Cerrato called the Special Meeting to order and advised that the purpose of this Special Meeting is for discussing and taking action on a proposed agreement with Coastal Companies regarding Sections 1 and 2 of Jaguar's Lair; and to hold a Closed Session to receive legal advice from Attorney Isenberg pursuant to NCGS 143-318.11 (a) (3) if needed. Gary Parker requested Council add to the agenda a discussion concerning the Certificates of Appreciation policy.

COUNCILWOMAN SCOTT MADE A MOTION TO ADD A DISCUSSION CONCERNING THE CERTIFICATES OF APPRECIATION POLICY TO THE AGENDA.  
COUNCILWOMAN JOSEPH SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

Gary Parker advised that Staff is requesting direction from the Council concerning the current policy to present Certificates of Appreciation during the December meeting to any organization, group or volunteer that has made a substantial contribution to the Town in the past 12 months, since amending the policy has been suggested by some members.

The Council reached a consensus for Staff to follow the current policy as written and for Council to hold a policy amendment discussion during the December 2, 2013 meeting as a New Business item.

COUNCILWOMAN SCOTT MADE A MOTION TO ALLOW PUBLIC COMMENTS.  
MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Public Comments**

Cas Kasala Shallotte – Distributed and read a prepared statement to the Council.

Monte Simpson 490 Dunieth Street Calabash – Spoke in opposition to the proposed agreement concerning Jaguars Lair.

Charlie Nern 647 Oyster Bay Drive – Spoke in opposition to tax dollars being used for Jaguars Lair.

**Jaguars Lair-Closed Session**

COUNCILWOMAN JOSEPH MADE A MOTION TO GO INTO CLOSED SESSION PURSUANT TO NCGS 143-318.11 (a) (3) TO CONSULT WITH THE TOWN ATTORNEY REGARDING JAGUAR'S LAIR IN ORDER TO PRESERVE THE ATTORNEY-CLIENT PRIVILEGE. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

COUNCILMAN SHERRILL MADE A MOTION TO RETURN TO OPEN SESSION. MAYOR PRO-TEM DEVITA SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

MAYOR PRO-TEM DEVITA MADE A MOTION TO RECONVENE THE NOVEMBER 19, 2013 SPECIAL MEETING. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

The Council met in Closed Session for approximately 1 hour. The Council asked questions and received advice from the Town Attorney regarding the Jaguars Lair Agreement as proposed and gave instruction to the Town Attorney and Negotiating Team concerning Jaguars Lair.

COUNCILWOMAN JOSEPH MADE A MOTION TO RECESS THE NOVEMBER 19, 2013 SPECIAL MEETING UNTIL THURSDAY, NOVEMBER 21, 2013 AT 3:30 PM. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**November 21, 2013**

Mayor Cerrato reconvenes the November 19, 2013 Special Meeting that was recessed.

**Members Present:** Mayor Richard Cerrato, Mayor Pro-Tem Lou DeVita, Councilman Wilson Sherrill, Councilwoman Karen Joseph, Councilman Mike Williams, and Councilwoman Carol Scott.

**Members absent:** None

**Attorney & Staff Present:** Gary Parker, Town Attorney; Attorney Mike Isenberg; Sandy Wood, Building Inspections Department Director and Lisa Anglin, Town Clerk.

**Jaguars Lair**

Councilwoman Joseph thanked the Negotiating Team for their hard work and dedication. Councilwoman Joseph advised Council that the Team has successfully negotiated an agreement with Coastal Communities Representatives, pending Council approval, concerning the Subdivision Improvements Agreement for Sections 1 and 2 of Jaguar's Lair. The Council reviewed the agreement and Councilwoman Joseph highlighted the following sections of the agreement:

**Jaguars Lair (Cont.)**

- The Developer will use its best efforts to install and complete the following separate infrastructure items in Sections 2A and 2B by the target dates (soft dates) indicated below, noting that all infrastructures must be installed and completed no later than December 31, 2015 (hard date):

Storm water	February 1, 2015
Sewer	June 1, 2015
Water	June 1, 2015
Electric road crossings	September 1, 2015
Roads	December 31, 2015

- The Town will receive interim project inspections and reports, including permit status reports and engineering plans updates, every three months and the Developer and Town will meet every 6 months to discuss the project and any related issues. If delays occur in the construction of the improvements, the Developer agrees to use its best efforts to notify the Town in writing at least 30 days prior to the target date or deadline including documentation to substantiate the reasons.
- The Developer agrees to negotiate in good faith an agreement regarding lots 96-106 in Section B and lots 108-126 in Section C by December 31, 2014, and if an agreement is not reached, the Developer agrees to choose a mediator no later than January 16, 2015, and to conduct a mediation session within 30 days of said mediator selection.
- The Developer agreed that this Agreement shall be null and void if the storm water, sewer, water, electric road crossings, and road work in Phase VI, Section 1 required by the December 3, 2012 Subdivision Improvements Agreement is not complete by March 31, 2014, subject to delays caused by circumstances beyond the Developer's control, including adverse weather conditions.

COUNCILMAN WILLIAMS MADE A MOTION TO APPROVE THE JAGUAR'S LAIR SUBDIVISION IMPROVEMENTS AGREEMENT FOR SECTIONS 1 AND 2 OF JAGUAR'S LAIR. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR QUESTIONS OR COMMENTS.

Mayor Pro-Tem DeVita questioned the Tolling Agreement expiration date of May 24, 2014 and what, if any, affect that had on this agreement. Attorney Isenberg advised that the bonds for Sections 2B and 2C have sufficient time for completion with the proposed completion schedule so the Tolling Agreement expiration has no effect on this agreement.

Councilwoman Scott requested assurance from Attorney Isenberg that this agreement had sufficient language for the Town to terminate the agreement before the deadlines if the Developer fails to comply with the terms of the agreement. Attorney Isenberg assured the Council.

MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

MAYOR PRO-TEM DEVITA MADE A MOTION TO ADJOURN THE NOVEMBER 19, 2013 SPECIAL MEETING. COUNCILMAN SHERRILL SECONDED THE MOTION. MAYOR CERRATO CALLED FOR A VOTE AND THE MOTION CARRIED BY UNANIMOUS VOTE.

**Town of Sunset Beach**

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Richard Cerrato, Mayor

Submitted by:

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Lisa Anglin, Town Clerk